IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 374 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VASANTBEN GORDHANBHAI SOLANKI - Applicant(s)
Versus
INSPECTOR GENERAL OF POLICE & 4 - Respondent(s)

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Appearance :
GIRISH PATEL ASSOC for Applicant(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 5.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 04/10/2007

ORAL JUDGMENT

1. The petitioner has filed this petition making following prayers :

“18(A)-directing the respondent Nos. 1,2, 3 and

4 to forthwith take all the necessary actions against the respondent No.5 in accordance with law to protect the life and liberty of the petitioner;

(B) directing the respondent Nos. 1,2,3 and 4 to immediately provide police protection to the petitioner and make necessary arrangements to enable the petitioner to stay in her village and further directing the respondents not to take back the police protection till the respondent no.1 decides to do so after hearing the petitioner;

(C) directing the respondent Nos.1,2,3 and 4 to immediately initiate proceedings of externment against the respondent No.5 from the village in accordance with law; and

(D) passing any other appropriate order."

2. Reading of the prayers would demonstrate that at the time of filing of the petition, the petitioner was in urgent need of some protection. It is not in dispute that such protection was granted. It is not even the contention of the learned advocate of the petitioner that even today, the petitioner fears for her life. Substantially, therefore, the petition has served its purpose. Apparently, for some alleged incident which took place in the year 1997 and 1998, it would not be appropriate or possible at this stage to direct the authority to initiate externment proceedings against the accused persons. To my mind, therefore, the purpose for which the petition was filed has been substantially achieved. The life and liberty of the petitioner was

protected. No useful purpose would be served now to entertain the petition for the above-mentioned prayers.

3. The petitioner and her husband appeared to have filed certain criminal complaints against the private respondents. Surely, the Criminal Court will take appropriate decision on police reports that might have been submitted pursuant to such complaints.

4. With these directions, the petition is disposed of. Rule is discharged.

5. This however, does not mean that if there are fresh grounds or incidents to consider some action against the private respondents including that of externment, this Court has precluded the same.

(Akil Kureshi,J.)

(raghu)